

# CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending May 20, 2000

## **CHM v. United States, COFC**

This is a suit, filed on May 18, for injunctive and declaratory relief brought by one of the protestors against the COMMITS awards. Plaintiff alleges that it has been, and will continue to be, irreparably injured by the Department's violations of statute and regulations in continuing to solicit and award task orders under the COMMITS contracts, while denying plaintiff the opportunity to compete for the business. Plaintiff seeks a declaration that: (1) the continuing solicitation or award of task orders is prohibited by statute and regulation; (2) defendant may not continue to solicit or award task orders until it takes action required by 31 U.S.C. § 3554(b)(1); and (3) the GAO recommendations shall be the judgment of the court. Plaintiff also seeks a TRO, preliminary and permanent injunction against soliciting or awarding task orders.

## **NDBC Technical Services Procurement**

Award of this approximately \$40 million contract has been made to non-incumbent Science Applications International Corporation. We have performed a legal review of the contract and will be traveling to the National Data Buoy Center next week to assist in debriefing of the unsuccessful offerors. (Fred Kopatich & Amy Freeman-Pierce)

## **Arthur E. Lees v. DOC—ASBCA No. 52040 & 52207)**

Lisa Obayashi reviewed a Motion for Summary Judgment drafted by Department of State legal counsel in the Arthur E. Lees appeal presently pending at the ASBCA. Appellant has filed over 600 interrogatories and State counsel has also filed a motion to stay discovery pending a ruling on the Motion for Summary Judgment.

## **Andre Kimboko v. United States, CAFC No. 99-5020**

The CAFC affirmed the decision of the lower court dismissing the case. (Because of the history of this case, it is likely that appellant will seek certiorari before the Supreme Court.) (Terry H. Lee).

## **CSTARS**

The CSTARS Matrix Team began work on the matrices for contract personnel to use to generate purchase order and contract documents. The team conducted intensive debate and research into the issue of whether the matrices

should be broad and overly inclusive relying on the contract personnel to review all clauses in the matrix to determine which were applicable or to create many specialized matrices, requiring less review of each created document. A compromise was reached and the team agreed to approximately 35 local matrices. The deadline for submission of the clauses to be contained in each matrix has been extended to May 31. (Amy Kiger Crotts)

## **NEXRAD TPS**

We attended a program review to discuss curing the defective units. As a result of the meeting, and lack of confidence in proposed technical solutions, NOAA has tentatively decided to consider replacing the subcontractor's rotary technology with the static battery units manufactured by the prime. (Mark Langstein)

## **NESDIS EMOSS**

We are attending a debriefing of unsuccessful incumbent Lockheed-Martin in this multi-million dollar procurement. We consider that there is little probability of protest. (Mark Langstein)

## **CLD "Time to Complete"—2.0 Days**

### **Actions by Contract Law Division during Period from 12/19/1999 01/01/2000**

Bureau	Received	Completed
CENSUS	2	2
NIST	3	3
NOAA	17	16
PTO	3	3
Totals	25	24

Contract Law Division—Client Workload  
Period Ending 05/20/2000

